IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8885 of 2003

Between:

1 Repalli Suryam S/o. Yarraiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
2 Repalli Venkanna S/o. Nookaiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
3 Repalli Nagu s/o. Yarraiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
4 Nagulapalli Shiva s/o. Appa Rao
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
5 Pippala Nookaraju s/o. Veeranna
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
6 Repalli Laxman s/o. yarraiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
7 Chintakula Trinadulu S/o. Laxmana Swamy
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
8 Thotakura Nagu S/o. Krishnamma
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
9 Chintakula Anka Rao s/o. Laxmana Swamy
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
10 Repalli Ramu S/o. Yarraiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
11 Kota Raju s/o. Venkataratnam
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
12 Gurram Raju, s/o. Gavaraju
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
13 Gurram Nagu s/o. Gavaraju
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
14 Gurram Krishna s/o. Gavaraju
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
15 Kommini Satyanarayana @ Abbulu, S/o. Veeranna
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
16 Kommini Satyanarayana Raju s/o. Satyanarayana @ Abbulu
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.

17 Kommini Badrinarayana s/o. Satyanarayana @ Abbulu
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
18 Saagi Suryanarayana Raju S/o. Chandraraju
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
19 Kakarapalli Nagabhushana Rao S/o. Kameswara Rao
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
20 Mandla Satti Babu s/o. Sanyasirao
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
21 Daggu Appa Rao s/o. Ramulu
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.
22 Repalli Gangamma S/o. Late Yarraiah
R/o. Kambalapalem, J.Annavaram mandal, East Godavari District.

..... PETITIONERS

AND

1 The Government of A.P. rep by its Secretary, Irrigation Department, Secretariat Buildings, Secretariat, Hyderabad.
2 The District Collector, East Godavari District, Kakinada.
3 The Revenue Divisional Officer, Peddapuram, East Godavari District.
4 The Mandal Revenue Officer, Yeleswaram Mandal, East Godavari District.
5 The Superintending Engineer, Yeleswaram (Y.R.P.), Kakinada, East Godavari District.
6 The Executive Engineer, Yeleswaram (Y.R.P.) Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the respondents in trying to the lease out the lands situated in Sy.Nos.503 to 506, 510,597 to 601, 612,614,610,613,502,508,509,511, 512,514 of Kambalapalem, H/o.J.Annavaram, East Godavari District, to 3rd parties, after evicting and depriving the petitioners, from enjoying the lands without giving any notice or opportunity, is illegal, arbitrary, against the Principles of Natural Justice and violative of Article 21 of the constitution of India, and consequently direct the respondents to lease out the above lands to the petitioners then to 3rd parties and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner:MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR IRRIGATION

The Court made the following :

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ORDER:-

Heard both the learned counsel. Petitioners herein who claim to be in possession of the land in question files this writ petition, inter alia, seeking writ of Mandamus declaring the action of the respondents in trying to lease out the lands to third parties after evicting them as illegal.

The case of the petitioners is that though they have been in possession of the land in question, the same was acquired for the purpose of reservoir. In spite of the same, the respondents are trying to lease out the said lands to third parties to the detriment of the petitioners' legitimate claim. Hence this writ petition.

Learned Government Pleader for Irrigation submitted that having regard to the fact that the land in question is acquired for the purpose of reservoir, the question of leasing out it to third parties does not arise. It is also pointed out that in similar circumstances, this Court dispose of the Writ Petition No. 9791 of 2003 dated10-12-2003 holding that the petitioners therein cannot have any right to claim that they are entitled to cultivate the lands covered under the reservoir.

Following the said Judgment, this writ petition is disposed of directing the respondents not to lease out the lands in question to third parties or interfere with the same in any manner whatsoever.

2—09—2004.

Stv/-

To

1 The Government of A.P. rep by its Secretary, Irrigation Department, Secretariat Buildings, Secretariat, Hyderabad.
2 The District Collector, East Godavari District, Kakinada.
3 The Revenue Divisional Officer, Peddapuram, East Godavari District.
4 The Mandal Revenue Officer, Yeleswaram Mandal, East Godavari District.
5 The Superintending Engineer, Yeleswaram (Y.R.P.), Kakinada, East Godavari District.
6 The Executive Engineer, Yeleswaram (Y.R.P.) Kakinada, East Godavari District.

7 2CCs to the Government Pleader for Irrigation, High Court Buildings, Hyderabad. (OUT).

8 2CD copies.